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on Tuesday, 3 April 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY MR. FRIIS ARNE PETERSEN, PERMANENT SECRETARY FOR FOREIGN AFFAIRS OF DENMARK

1. Mr. PETERSEN (Denmark) said that the promotion and protection of human rights was not so much a question of finding the guilty as it was of showing compassion for the victims and condemning gross violations of such rights. Human rights promotion must be based upon cooperation within countries, between States and with international human rights mechanisms, which were indispensable for the independent assessment of human rights in any country. His Government considered it an essential matter of policy always to cooperate in good faith with such mechanisms, and did not consider that specific invitations were required to allow them to do their work. All States must extend their full cooperation to human rights rapporteurs, representatives and working groups so that they could carry out their mandates without hindrance. Non-governmental organizations (NGOs) too played an essential role, as they were the voice of civil society and often that of the victims of such violations; they represented the defenders of human rights and deserved the full attention of the Commission.

2. The elimination of racism was one of the major challenges facing the international community. Racism was not an opinion but a crime, and could be the first step towards genocide. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance must serve as a framework for the adoption of measures to prevent a recurrence of tragedies of the past such as slavery, the Holocaust and apartheid. In order to ensure active participation in the preparations for the Conference and raise awareness of racism among the population of Denmark, his Government had contributed nearly $1 million to Danish NGOs to enable them to carry out a wide range of activities.

3. Article 5 of the Universal Declaration of Human Rights stated that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No Government publicly favoured torture. It was always carried out clandestinely, which was why it was so hard to combat. His Government noted that only 123 States had become parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It called upon all States to accede to that instrument and to accept the individual complaints procedure. Denmark would once again present to the Commission a draft omnibus resolution against torture. Capital punishment, a related issue, was cruel and unnecessary. Nothing could justify States failing to respect the fundamental right to life. As no judicial system was infallible, the death penalty meant that any error could be literally fatal. Capital punishment had hardly any deterrent effect on criminals and offered no protection to society. It was merely an additional form of brutality.

4. His Government had always followed with great interest the situation of indigenous peoples in the world, and it thus welcomed the decision taken unanimously on 28 July 2000 by the Economic and Social Council to set up a Permanent Forum on Indigenous Issues as a subsidiary organ of the Council. It hoped that the Permanent Forum would be able to hold its first annual session in July-August 2002. The establishment of a Permanent Forum with a mandate ranging far beyond human rights clearly demonstrated that human rights did not operate in a vacuum. Furthermore, as human rights were indivisible and interdependent, when progress

was made in one field it was also made in another. As for the right to development, further efforts were needed to work out meaningful concepts and concrete strategies on that issue.

5. Human rights must be respected regardless of the form of government or cultural or social context. Universal respect for human rights did not require a particular type of government or social system, but the exercise of human rights presupposed the absence of government coercion. International legal instruments already existed; the time had come for all Governments, in all countries, to implement them better.

6. In conclusion, he paid tribute to Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights, who had served the cause of human rights with dedicated compassion. It was not clear that the Member States of the United Nations had allowed her to work in satisfactory conditions and had provided the financial resources she required to carry out the colossal task with which she had been assigned. It was important to correct that situation as quickly as possible.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)
(E/CN.4/2001/8, 10, 49-53, 54 and Add.1 and Corr.1, 55 and Add.1, 56, 57, 62 and Add.1 and 2, 123 and 148; E/CN.4/2001/NGO/1, 4, 14, 15, 26, 30, 58, 60, 63, 80, 82, 103-106, 108, 109, 125, 131, 148, 154, 166 and 186; E/CN.4/Sub.2/2000/13; E/CN.4/2000/33)

7. Ms. TOMASEVSKI (Special Rapporteur on the right to education), introducing her report (E/CN.4/2001/52), said that the right to education had experienced both progress and setbacks. In Africa, primary school enrolment rates had declined by 10 per cent in the 1980s, and the same had occurred in Eastern Europe and Central Asia in the 1990s. The international community had had to deal with several emergencies in the education sector. In such cases the role of human rights bodies was to reaffirm the need to protect the right to education. The explicit affirmation of the right to free primary education in a growing number of international education strategies was a step in the right direction. The adoption of the objective of providing free primary education everywhere in the world was an acknowledgement that education was not a commodity but a right. In 1999, the Commission on Human Rights, while commending the Special Rapporteur for giving priority to the elimination of financial obstacles, particularly in primary education, had asked her to attach more importance to the rights of the child. Children must be considered as active participants in and not objects of education. The special session on children of the United Nations General Assembly, to be held in September 2001, would be an excellent opportunity to integrate the rights of the child into international strategies.

8. To eliminate the financial obstacles that hindered the realization of the right to education, it was important to adopt measures at the national and international levels. She had paid particular attention to the lending operations of the World Bank, especially the practice of charging fees for primary education. She recommended that the Bank should carry out an in-house review of all its education lending in order to identify all cases where fees were being charged for primary education, provide instruction to all its staff members on measures to be adopted immediately to abolish such fees and provide information to the populations concerned. Charging fees for primary education prevented the poorest children from having access to school, thus depriving them of a means to overcome poverty.

9. It was impossible to speak of an international education strategy without mentioning globalization, which had a financial impact on the entire education sector and was founded on the notion that education was an economic sector that provided a tradable service like any other. Globalization was taking place at the same time as localization. Education was increasingly coming within the domain of regional and local authorities, and the trend towards decentralization only furthered the localization of education. Given the development of international trade in education services, and especially new phenomena such as webucation, it must be reaffirmed that education was a public good and that schooling was a public service. Worldwide economic, budgetary and commercial policies risked marginalizing the right to education. Debt-relief initiatives must aim at the full integration of the right to education into national policies.

10. The right to education was a genuine bridge between civil and political rights and economic, social and cultural rights. The importance currently attached by global development strategies to poverty eradication made the right to education an ideal tool for mainstreaming human rights and enhancing gender equality. Furthermore, education operated as a multiplier. When the right to education was guaranteed, respect for all individual rights and freedoms was strengthened. On the contrary, where it was denied or violated, individuals were deprived of many rights and freedoms. Without education, people could not easily obtain access to employment. Lack of education blocked their vocational advancement. Denial of the right to education resulted in exclusion from the labour market and marginalization.

11. It was a matter of concern to her that inequalities in education were increasingly linked to race. The attention of the participants in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should be drawn to the new phenomenon of discriminatory exclusion from the school system. She would make some proposals to improve the situation.

12. Ms. OUHACHI-VESELY (Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights), introducing her report (E/CN.4/2001/55) said that it gave the background of the problem of the illicit movement and dumping of toxic waste and products, analysed the major trends and characteristics of such movements, reviewed the applicable standards and legislation, dealt with the problem of transnational corporations and assessed the phenomenon's impact on human rights. For the reasons set out in paragraph 5 of the report, she had not carried out any missions in the field, but she had taken part in the First Continental Conference for Africa on the Environmentally Sound Management of Unwanted Stocks of Hazardous Wastes and their Prevention, convened by the secretariat of the Basel Convention in Rabat from 8 to 12 January 2001. The Conference had made it possible to assess the situation in Africa, where there were enormous stockpiles of obsolete material, in particular dangerous chemical products and waste which must be eliminated, treated or removed. An action programme for Africa had been adopted so as to prevent the future accumulation of pesticide stocks and to eliminate existing ones. The possibilities for partnership, development and cooperation and for international assistance, as well as the search for financing, had also been examined.

13. Among the positive factors was the development of international legal instruments and national legislation which should contribute to restricting major illicit transfers of waste. There had also been growing awareness of the harmful effects on both humans and the environment of irrational toxic waste management. Thanks to local associations and NGOs, many Governments were attempting to halt the illicit transfer of waste. While still only rarely, some victims had started legal proceedings.

14. Among the negative factors it was noteworthy that the international instruments adopted had not all come into force, had some deficiencies when it came to combating illicit traffic, fraudulent operations and corruption and did not take into account the victims of such practices or human rights issues. Despite the existence of criminal provisions in many countries, those responsible for offences went unpunished. Fraudulent operations were hidden by shell companies, shady businessmen and corrupt officials. It was difficult to trace the origins of products, to apportion blame, to establish a causal link between the offence and the injury, or to identify the victims. It was practically impossible to bring a successful prosecution against a corporation. Lastly, in the few cases where appeals had been filed and held valid, the compensation awarded had been derisory. The codification work being undertaken by United Nations bodies should therefore continue, and must take into account victims' rights. NGOs were playing an increasingly important role, but their work ran up against obstacles; it was thus important to consolidate the rights of defenders of human rights and the environment. There had apparently been no reduction in the export of hazardous waste and products from the industrialized countries to the countries of the Third World, but rather an adaptation of the means and methods of illicit transfers. The amendment to the Basel Convention should help to reduce the number of transfers carried out ostensibly under recycling programmes. However, the transfer of industries, industrial operations and polluting technologies was another aspect of the problem. The export of contaminated ships for shipbreaking was a new form of waste trafficking. Some products that had been banned or restricted in the industrialized countries continued to be produced there and exported to developing countries. The stockpiling of outdated chemicals in developing countries was a major concern.

15. As for the impact on human rights, toxic waste and products represented a serious threat to the right to life and health and had an adverse effect on other rights, such as the rights to development, an adequate standard of living, safe working conditions, housing and information and freedom of association.

16. In respect of transnational corporations, the promising prospects of the global compact, which included nine principles relating to human rights, labour standards and the environment, must not serve as a pretext for the international community to let down its guard. Human rights violations related to the transfer of toxic waste and products were most often committed by transnational corporations. They were beginning to understand the advantages that they might gain by improving their image. However, they could not be entirely trusted to comply spontaneously with the standards applicable to them. It was thus important to elaborate a code of good conduct and to establish international supervisory mechanisms.

17. She had formulated a number of conclusions and recommendations, which appeared in paragraphs 84 to 106 of her report. In view of the difficulties she had encountered in fulfilling her mandate, she considered that the establishment of supervisory bodies must not be regarded as

an end in itself. Such bodies must be given adequate means to ensure that they were able to operate. Lastly, she invited the international community to take action to ensure that globalization was not synonymous with exclusion, perpetual poverty or even death and destruction for some, while it brought wealth, prosperity and progress to others.

18. Mr. ZIEGLER (Special Rapporteur on the right to food), introducing his report (E/CN.4/2001/53), began by defining the right to food as the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belonged, and which ensured a physical and mental, individual and collective, fulfilling and dignified life free of fear. There were currently 826 million people who were chronically and seriously undernourished, most of whom suffered from what the Food and Agriculture Organization of the United Nations (FAO) called "extreme hunger", and 36 million people died every year as a direct or indirect result of nutritional deficiencies. Every year, too, tens of millions of seriously undernourished mothers gave birth to tens of millions of seriously affected babies. Yet the world was overflowing with riches. According to FAO, at the current stage of development of agricultural production, the Earth could feed 12 billion human beings properly. Yet the world's population was estimated at 6 billion, and that clearly demonstrated that hunger and malnutrition were by no means dictated by fate or a curse of nature; they were manmade. The right to food had been recognized in November 1996, at the World Food Summit in Rome, which had produced the Rome Declaration in which the States parties undertook to do everything possible to halve the number of malnourished people by 2015. His mandate was, he believed, to pursue that objective.

19. The report consisted of four separate parts, and ended with conclusions and recommendations. The first part covered the definition and history of the right to food. The second contained an examination of the international instruments that referred to the right to food. The third examined the practical steps that could be taken to promote the introduction of the right to food into domestic legislation. In the fourth part, the report looked at some of the major macroeconomic problems, both endogenous and exogenous, that were obstacles to the realization of the right to food. There were seven such groups of problems: those linked to developments in world trade, in particular the agricultural policies of the countries of the North, supported by the World Trade Organization (WTO), which fostered the persistence of malnutrition and hunger in the South; foreign debt servicing and its impact on food security, including the structural adjustment programmes of the International Monetary Fund (IMF); developments in biotechnology, including worldwide protection of international patents held by Northern agribusinesses; wars and their destructive impact on food security; corruption; access to land and credit; and discrimination against women. As Jean-Jacques Rousseau had written "in the relationship between the weak and the strong, it is liberty that oppresses and the law that liberates". The Special Rapporteur therefore proposed to cooperate closely with the Inter-Parliamentary Union (IPU) and the national parliaments of the countries concerned to help promote domestic legislation on the right to food. In accordance with his mandate, he also hoped to cooperate closely with the Member States of the United Nations and with NGOs currently working against the unjust order of the world, and proposed to establish a working relationship with the main United Nations programmes and agencies.

20. According to his mandate, he was entitled to address urgent requests to Governments responsible for serious violations of the right to food. Since his appointment, he had addressed an urgent request to the Government of Myanmar, and he was currently preparing to examine the situations in Afghanistan and Palestine. In his conclusions and recommendations, he asked the Commission to confirm his mandate to respond in such circumstances and to make it clear that the term "food" covered not only solid food, but also the nutritional aspects of drinking water. He also asked that it should pay special attention to the normative and institutional development of the right to food and the legal merits of General Comment No. 12, adopted by the Committee on Economic, Social and Cultural Rights, concerning article 11 of the International Covenant which covered those rights. He also asked the Commission to provide him with the financial means required to carry out missions in certain countries and to hold an international seminar of experts to lay the scientific and theoretical foundations for the preparation of a handbook on the right to food. Lastly, he considered that the right to food was of such theoretical and practical importance for the economic, social and cultural development of peoples and individuals that it should be the subject of an annual General Assembly debate.

21. Mr. CHERU (Independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights), introducing his report (E/CN.4/2001/56), said he regretted first of all the lack of cooperation by the international financial institutions in the discharge of his mandate. He would like the Commission to give serious consideration to that problem.

22. The report examined the steps that had been taken since 1999 to grant debt relief to countries meeting certain fixed criteria. It was based on an analysis of 9 of the 19 Interim Poverty Reduction Strategy Papers (I-PRSP) submitted to IMF and the World Bank in September 2000. The nine Interim PRSPs were all from Africa, although a cursory review had also been made of the I-PRSP of Honduras. The central element of the enhanced Heavily Indebted Poor Countries initiative (HIPC II) consisted of the proposals to grant greater reductions in the total accumulated debt and quicker reductions in debt-service payments, to relax the stringent qualification criteria and, most importantly, to place poverty reduction at the centre of the enhanced HIPC framework. At the launch of the enhanced HIPC (HIPC II), a total of $90 billion in debt servicing had been promised for 33 poor countries, with the cost to creditors estimated at just $27 billion, primarily owing to heavy discounting of the loans. Unfortunately, the Group of Seven (G-7) Governments had fallen short on the pledge made at the Cologne summit in the summer of 1999 to forgive the debts of at least 20 nations by 2000. The incremental, step-by-step approach had delivered some relief to only nine countries and had failed to provide relief at the pace and to the extent required. Furthermore, the qualification criteria had been relaxed to a token extent only. Governments were thus deprived of the resources required to combat the HIV/AIDS epidemic, reduce poverty and fight illiteracy. An Oxfam report had concluded that the annual budget savings for most countries receiving HIPC debt relief would be modest. Debt servicing would continue to absorb a disproportionately large share of government revenue, amounting to more than 15 per cent in six countries and to over 40 per cent in Zambia, Cameroon and Malawi.

23. Despite good intentions, the enhanced initiative was experiencing a number of problems, the critical one being its financing by both multilateral and bilateral creditors, which remained very inadequate. That was mainly due to the politics of budget appropriation in the principal

donor countries, where legislative bodies and parliaments were loathe to appropriate extra funds for debt relief over and above the appropriations earmarked annually for bilateral aid. That was particularly the case in many Western countries where opposition to foreign aid was growing. Furthermore, many creditors, in particular the regional development banks and smaller regional multilateral institutions, had experienced difficulties in securing the funds needed to cover their share in financing the initiative, for fear of undermining their financial integrity. Another serious problem was excessive conditionalities and unrealistic eligibility conditions set by IMF and the World Bank for debt relief. Furthermore, stringent macroeconomic goals, normally found in conventional structural adjustment programmes, featured prominently in the 10 PRSPs reviewed for the report. Lastly, the enhanced HIPC initiative was inadequate since it did not address debts owed by HIPC countries to non-Paris Club creditors which had not been rescheduled or serviced at all for a long time. The actual debt situation of those countries was worse than was apparent.

24. With regard to the Poverty Reduction Strategy Papers (PRSPs) that HIPCs were obliged to prepare before requesting the assistance of IMF or the World Bank, he noted that the Interim PRSP (I-PRSP) was intended as a road map to prepare the full PRSP and as a bridge between the long-term PRSP objectives and a country's short-term needs for financing and debt relief. It paved the way for interim support (or a loan) to the Government from the IMF Poverty Reduction and Growth Facility. In preparing the PRSP, Governments were expected to show clearly the links between macroeconomic policies and agreed international social development goals to be reached by 2015. In addition, the I-PRSP document should articulate the proposed use of the incremental resources for poverty reduction. The I-PRSP must thus contain the Government's commitment to poverty reduction and the main elements of its poverty strategy. Examination of the eight Interim PRSPs (I-PRSPs) and the one full PRSP from Africa showed great unevenness in the quality of those documents; in particular, the quality of the poverty reduction strategies and the level of participation of civil society were being compromised by the unrealistic time frame set for meeting the eligibility conditions of the initiative. There was an excessively large number of policy prescriptions or conditions, as in the case of Tanzania or Benin. Furthermore, none presented gender-disaggregated data and integrated the major human rights principles. All the papers were silent about how transparency and accountability could be achieved in public finance - the importance of which was, however, acknowledged - when "kleptocratic" elites presided over the implementation of poverty strategy frameworks. In poor countries, many Governments simply had no commitment to help the poor. Only the papers for Ghana, Kenya and Tanzania explicitly noted the linkage between the countries' poverty reduction priorities and the international development goals for 2015. As that demonstrated, the broad macroeconomic objectives of the majority of the countries studied were inconsistent with the poverty reduction goals. Only the Uganda PRSP was firmly anchored in the Government's comprehensive Poverty Eradication Action Plan developed in 1999 and revised in consultation with the poor, and only that country's plan had engaged civil society in its implementation.

25. That situation was due to the unequal power relations between indebted countries and the institutions that managed the HIPC process, namely, IMF and the World Bank. From the report's analysis, it was clear that countries had tried to read too much into the minds of the two institutions and were seeking their approval. The eligibility requirements and programmes advocated by the Fund were excessively stringent and rigid, leaving very little room for countries to manoeuvre. In several of the countries reviewed, the principle of citizen participation in the preparation of the interim PRSPs had hardly been respected; representative groups of civil

society had effectively been excluded from discussions on the content of macroeconomic policy choices, in particular in Ghana, Tanzania and Kenya. In other countries, consultations had been undertaken in a rushed manner, not allowing for true dialogue. Many civil society groups felt cheated by both the Government and the donors. Clearly, the PRSP process could not be credible without the effective participation of civil society.

26. Given those problems, it was advisable to delink debt relief from the PRSP process so that it could serve as a framework for a genuine social compact. That would require time, research and exhaustive consultation with broad sectors of the population. Lastly, new rounds of talks should be held to seek a lasting solution to the crushing debt burden of many poor countries, clearly establishing from the start that all debts owed by the HIPC countries would be written off without conditions.

27. Mr. KOTHARI (Special Rapporteur on adequate housing), introducing his report (E/CN.4/2001/51), said that he intended to discharge his mandate as set out in Commission resolution 2000/9 by applying a holistic perspective to the right to housing, taking into consideration the indivisibility of human rights. Since the adoption of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, the right to adequate housing had been expressly recognized in a whole range of international instruments both within and outside the United Nations system and at major international conferences, in particular the Second United Nations Conference on Human Settlements (Habitat II), held in Istanbul in June 1996.

28. In the first part of the report, he reviewed the work on the question carried out by the Committee on Economic, Social and Cultural Rights which, in 1991, had adopted General Comment No. 4 on the right to adequate housing and, in 1997, had adopted General Comment No. 7 on forced eviction; by the Special Rapporteur appointed by the Sub-Commission on the Promotion and Protection of Human Rights and by the United Nations Centre for Human Settlements (UNCHS/Habitat), as well as the various resolutions adopted by the Commission on Human Settlements. The report also gave an overview of how the national legislation on the subject was developing, and paid tribute to the work of civil society, in particular the NGOs. It mentioned the Special Rapporteur's desire to strengthen linkages between his mandate and all the treaty bodies, as well as with other mandates established by the Commission and the Sub-Commission so that questions related to adequate housing could be examined in the context of all human rights.

29. Despite the progress made in respect of the normative aspect of the right to adequate housing, the actual realization of that right was still far from a reality for the majority of the poor and vulnerable people of the world. One fifth of the world population, 70 per cent of whom were women, were living in absolute poverty; 30 to 70 million children were living on the streets; and, in the countries of the South, millions of people were living in overcrowded and often unhealthy housing, if not in slums, on the street or in shanties.

30. The second part of the report outlined priority issues and several impediments to the realization of the right to adequate housing. Globalization had an effect on the access to housing of the most disadvantaged, and discrimination and segregation were two phenomena which severely affected the poor, and women in particular. The adoption in 2000 by the Commission

of resolution 2000/13 entitled "Women's equal ownership of, access to and control over land and the equal rights to own property and adequate housing" had been a welcome step. He was ready to follow up the recommendations made in that resolution as part of his mandate, and looked forward to receiving directives from the Commission in that regard. Concerning the question of domestic applicability and justiciability, he noted that the right to housing was included in the constitutional frameworks of over 30 countries. For most of the States that had ratified the Covenant, ensuring the domestic status and application of the constituent rights remained a significant priority. It would thus be important to devote a section of his forthcoming reports to new developments, both positive and negative. He would be grateful for the cooperation and assistance of the States parties and of civil society in that regard.

31. The third section of the report dealt with actions necessary to promote the realization of the right to adequate housing, including cooperation with Governments, international and regional financial and economic institutions, United Nations bodies and agencies and civil society. Particular attention should be paid to the effect on housing of world economic and social policy, in particular trade liberalization, privatization, macroeconomic policies and new instruments such as the Poverty Reduction and Growth Facility, especially from the point of view of their compatibility with human rights instruments. It would appear from a preliminary review that such new policies were not conducive to the effective realization of the right to adequate housing, and were actually causing an increase in the number of people in insecure living conditions. Such questions must be raised during the global conference review processes. In that connection, he regretted that the draft declaration drawn up for the five-year review of the Istanbul Declaration on Human Settlements and the Habitat Agenda did not reaffirm the provisions concerning the right to adequate housing which had been contained in the original Habitat Agenda. The Commission must unequivocally call attention to the matter at the special session of the General Assembly on the subject to be held in New York in June 2001. It was also important to strengthen awareness of the right to housing and to clarify the obligations of States under the Covenant.

32. The last part of the report contained conclusions and recommendations for the Commission. In particular, it requested the Commission to endorse the idea of developing research agendas on impediments to the realization of the rights falling under the mandate, and to authorize the presentation of thematic reports with a consistent focus on the critical issue of women, interacting to that end with the Commission on the Status of Women. The report also proposed that he should contribute to the work of the treaty bodies, promote the right to housing within the United Nations system, encourage integration of that right into the activities of United Nations bodies and stress the relevance of international cooperation with a view to realizing the right to adequate housing. Lastly, he should work closely with groups from civil society that had developed considerable expertise in a range of areas relevant to his mandate.

33. The international community could not simply ignore the plight of the poor and the vulnerable living in appalling conditions throughout the world. His own task consisted in making their situation better known and in acting as a catalyst so as to institutionalize the right to housing, by drawing upon the considerable experience of Governments, United Nations agencies and other international organizations, civil society and the poor themselves. He looked forward to receiving the guidance of the Commission in that regard.

34. Mr. BOWA (Zambia) said that the most effective way to reduce poverty was to implement economic, social and cultural rights. That was why his Government was cooperating with the United Nations country team to formulate the Common Country Assessment and the United Nations Development Assistance Framework (UNDAF) flowing from it.

35. In addition, Zambia was currently preparing a poverty reduction strategy under the HIPC initiative, the primary aim of which was to release resources for the development of the social sector. However, his Government took the view that debt relief should go beyond the measures provided for under the HIPC initiative, which would be modest in scope, a view shared by the independent expert on the effects of structural adjustment policies and foreign debt. In his own country, for example, debt servicing would continue to absorb more than 40 per cent of the Government's revenue, or more than the health and education budgets combined. The principal victims of that financial haemorrhage were children, as indicated by the increase in the child mortality rate and the school dropout rate recorded in recent years. Three quarters of the children who dropped out of primary school did so for financial reasons. Children in developing countries had still not benefited from the health of the global economy. But, as the United Nations Children's Fund (UNICEF) had correctly pointed out, children should be first in line to benefit from poverty reduction, because poverty inflicted lifelong psychological and physical trauma on children. The situation raised questions about the viability of the HIPC initiative, which was running into serious financing problems that were of growing concern to IMF and the World Bank. His delegation hoped that it would be possible to implement the initiative, thereby enabling the countries concerned to use the freed resources in the social sector. In any event, his Government believed that the foreign debt of the least developed countries must be completely written off if they were to achieve sustainable development. Moreover, his delegation endorsed the recommendations on the HIPC made by the independent expert in his report (E/CN.4/2001/56).

36. His delegation believed that the preparation of reports for submission to the treaty bodies was very helpful for the application of international human rights standards. With assistance from the Swedish Government, Zambia was currently preparing its report for submission to the Committee on Economic, Social and Cultural Rights. That process would assist his Government to identify obstacles to the realization of economic, social and cultural rights.

37. Mr. SHIN Gil-sou (Republic of Korea) said that his Government welcomed the higher profile accorded to economic, social and cultural rights, due in large measure to the efforts of various United Nations organs, particularly the Committee on Economic, Social and Cultural Rights, which encouraged States parties to implement national action plans clarifying the provisions of the International Covenant on Economic, Social and Cultural Rights by means of authoritative interpretations. His Government also wished to thank the High Commissioner for Human Rights for her special commitment to economic, social and cultural rights and her holistic approach to human rights.

38. At the dawn of the twenty-first century, poverty was perceived as the primary obstacle to the enjoyment of human rights. The global economy, based on free trade and the free play of market mechanisms, had helped reduce poverty around the world by encouraging economic development. However, globalization was also seen as accentuating inequalities between and

within countries. That should be taken into account when examining the question of the realization of human rights. Greater attention should be paid to the difficulties encountered by developing countries in the globalized economy.

39. His delegation was happy to note that the fight against poverty was being conducted from a rights-based standpoint. The Special Rapporteurs on the right to education and the right to food were to be commended for having examined those issues from a human rights perspective. It had become widely accepted that education was the most common way to escape poverty. Exercising the right to education therefore prepared the ground for the exercise of other human rights. His delegation also subscribed to the view of the Special Rapporteur on the right to food that the right to food was vitally important for the economic, social and cultural development of peoples. It welcomed the conclusions of the workshop on the justiciability of economic, social and cultural rights held in February 2001 and took note of the proposal concerning the elaboration of an optional protocol to the Covenant. His delegation expected that, in line with the wishes expressed by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-second session, an open-ended working group would be established to study the matter in greater depth.

40. Lastly, his delegation wished to stress the indivisibility of all human rights, which should be dealt with in an integrated manner without prioritizing certain rights over others.

41. Mr. FERRER RODRÍGUEZ (Cuba) said that, under article 22 of the Universal Declaration of Human Rights, all persons were entitled to the realization of the economic, cultural and social rights indispensable for their dignity. Moreover, the Vienna Declaration stated that the promotion and protection of human rights and fundamental freedoms should be regarded as a priority for the United Nations, that all human rights were universal, indivisible, interdependent and interrelated, and that the international community should treat those rights globally in a fair and equal manner, on the same footing and with the same emphasis.

42. Unfortunately, despite the efforts of the High Commissioner for Human Rights to raise the international community's awareness of the importance of realizing economic, social and cultural rights, the only progression had been that of hunger, poverty, unemployment, illiteracy, sickness and inequalities between and within countries. In addition, official development assistance (ODA) and foreign direct investment (FDI) in underdeveloped countries had been cut back while the conditions attached to the granting of credit and external debt relief had become more and more numerous. For its part, Cuba, despite being the only country in the world to have been embargoed for 40 years by the richest Power on earth, boasted a record of health, education, culture and employment that compared favourably with that of the developed countries, and moreover stood shoulder to shoulder with the African, Asian, Latin American and Caribbean nations.

43. His delegation wished to thank the Special Rapporteurs on the right to food, the right to education and the right to adequate housing, the Special Rapporteur on toxic waste and the independent experts on extreme poverty and structural adjustment and foreign debt for their courageous in-depth reports which shed light on the direct negative impact of international disorder and neo-liberal globalization on all human rights, not just economic, social and cultural rights but also civil and political rights. However, the Commission was not treating all human

rights equally, as the statistics showed. Civil and political rights formed the subject of 23 official reports examined by 16 special rapporteurs and independent experts, and followed up under 14 special procedures or mechanisms. The figures for economic, social and cultural rights were 13, 6 and 0 respectively. Moreover, the special rapporteurs and independent experts who studied economic, social and cultural rights had fewer resources at their disposal than their counterparts involved in civil and political rights.

44. His delegation hoped that the Commission would act immediately to correct the imbalance in the approach to social, economic and cultural rights, on the one hand, and civil and political rights, on the other.

45. Mr. NEGRÍN MUÑOZ (Mexico) said that, on 29 March 2001, the Zapatista National Liberation Army (EZLN), which had taken up arms in Chiapas seven years previously, had announced before Congress that it had decided to resume its dialogue with the Mexican Government in order to establish a just, honourable and lasting peace. EZLN had taken that decision once the Mexican Government had satisfied all its demands: the withdrawal of the army and the dismantling of military installations in Chiapas, the release of Zapatista prisoners and the submission to Congress of a bill on the rights of indigenous cultures, which was currently under consideration.

46. Mexico still had much to do in the human rights sphere, yet it had learned one thing, namely that its democracy would be genuine only if it was not exclusive, effective only if it responded to legitimate social aspirations, and viable only if it respected cultural differences - especially those of indigenous peoples - and eliminated discriminatory practices that encroached on the dignity and inviolability of the person. That was how the new Government interpreted its obligation to respect and protect the economic, social and cultural rights of all Mexicans.

47. The overriding priority of the Government of President Vicente Fox was the campaign against poverty, which affected 40 per cent of the population. The Government had already launched a poverty reduction programme in the 250 most-affected districts, in addition to a programme aimed at satisfying the minimum requirements of the entire population regarding education, health care, food and housing. Education had to be stressed in order to break the vicious circle of poverty. That was why his Government had set itself the following targets: guaranteeing a 10-year basic education for the entire population of school age; devoting special attention to the indigenous population, the marginalized population, peasants and the disabled; using new teaching technologies and implementing a national scholarship system to enable all pupils to continue their studies to the secondary level.

48. As for the fight against discrimination, which hampered the effective exercise of economic, social and cultural rights, his Government had set up a civilian commission to look into the problem; it had already begun work on a draft constitutional reform and a bill on new civil rights with a view to guaranteeing all the rights of groups that were vulnerable or exposed to discrimination, such as women, the disabled, indigenous peoples and the elderly.

49. In addition, his Government had committed itself to making every effort to ensure the full integration of women into all areas of national life. In that context, his delegation intended to introduce a draft resolution to the Commission on women's equal ownership of, access to and

control over land and the equal rights to own property and to adequate housing. Studies by UNICEF and the reports of the Special Rapporteur on violence against women had shown that women's lack of financial resources and their economic dependence meant that access to housing was denied them, thereby compounding their vulnerability and preventing them from escaping from violence. Women suffered the consequences of inequitable economic structures twice over: they were not only afflicted by poverty but had also to endure the domestic violence that went with it. His delegation hoped that the draft resolution would be adopted by consensus.

50. Mr. WATANABE (Japan) said that his Government considered all human rights to be universal, indivisible, interdependent and interrelated. The international community should therefore treat them in a comprehensive and balanced way, on an equal footing, assigning them the same importance. International cooperation was essential for the effective promotion of human rights. That was why it was necessary to build consensus on the issue.

51. His Government, which believed that States bore the primary responsibility for the realization of the economic, social and cultural rights of their citizens, attached great importance to human rights and democracy and was prepared to assist countries that had the political will to promote human rights and democracy but were experiencing difficulties in implementing national policies for democratic development.

52. As the biggest donor of ODA for nearly a decade, Japan placed emphasis on poverty reduction in developing countries and, to that end, highlighted primary education, primary health care and the empowerment of women. As part of the follow-up to the Second Tokyo International Conference on African Development, Japan had committed itself to providing about US$ 857 million in grant assistance to Africa over a five-year period starting in 1999, to be spent on education, health care and water supply infrastructure. Furthermore, Japan had contributed US$ 1 million every year since 1995 to the UNICEF programme to educate girls and also supported other UNICEF activities. Those were just some of his Government's efforts to promote the rights and welfare of people in need.

53. Development and the protection of human rights should go hand in hand. Development should contribute to promoting human rights, and human rights should never be suppressed in the name of economic development. His Government strongly supported the exceptional efforts made by the High Commissioner for Human Rights to ensure the balanced and universal realization of all human rights.

54. His Government shared the concerns raised by other members of the Commission regarding the potential impact on human rights of environmental issues, foreign debt and structural adjustment policies. It doubted, however, whether the Commission was the suitable forum in which to address those issues, which were highly technical in nature and should be more profitably considered by other agencies such as the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) or the World Bank.

55. In conclusion, his Government assured the other members of the Commission that it would continue to cooperate with them to promote economic, social and cultural rights.

56. Mr. SAHRAOUI (Algeria) said that the report of the Secretary-General on economic, social and cultural rights submitted pursuant to Commission on Human Rights resolution 2000/9 (E/CN.4/2001/49) contained plenty of useful information but failed to analyse the difficulties encountered in implementing the International Covenant on Economic, Social and Cultural Rights, nor did it put forward any practical recommendations. His delegation was inclined to think that the summary treatment of those rights undermined the universality and indivisibility of human rights. It was to be hoped that substantive improvements, i.e. a more extensive analysis, would be made to future reports in order to enlighten the Commission in its work. The UNDP Human Development Report could serve as a model in that regard.

57. While his delegation acknowledged the efforts that had been made by the Office of the High Commissioner for Human Rights (OHCHR) to promote the International Covenant on Economic, Social and Cultural Rights and the draft optional protocol thereto, it had to be admitted that the implementation of the Covenant was far from achieved nearly 30 years after its entry into force. New ways had to be found, therefore, to put the issue on the agenda of the international community.

58. The 1993 World Conference on Human Rights and the 1995 World Summit for Social Development had not yielded the hoped-for results, either in terms of promoting a new code of ethics to deal with economic and social questions or in terms of positioning those rights at the heart of legislative and institutional instruments nationally and internationally. When the General Assembly had undertaken a five-year review of the follow-up to the Copenhagen Summit in June 2000, it had become clear that minimal progress had been achieved in reducing poverty, unemployment and social exclusion; on the contrary, those plagues were afflicting more and more countries. Several developing countries, particularly in Africa, which were subject to the dictates of economic and political transition, had carried out far-reaching restructuring and reform programmes at a high political and social price. However, their efforts to adapt had not received the anticipated support of the international community, for Africa received just a miniscule share of FDI or ODA.

59. Meanwhile, in international bodies, civil and political rights continued to get "preferential" treatment over economic, social and cultural rights. The proposal by the Committee on Economic, Social and Cultural Rights that an optional protocol be prepared to the Covenant providing for the consideration of individual communications seemed an effective way to redress the balance between all rights. Accordingly, his delegation strongly supported that proposal.

60. Attention should also be drawn to the paucity of resources allocated within the United Nations system to activities aimed at promoting and protecting economic, social and cultural rights. The restructuring of the economic and social sectors at the United Nations had merely diminished the capacities of United Nations bodies and sidelined them. For example, there had been a steady reduction in the core resources of UNDP, whose experience in promoting sustainable development and familiarity with socio-economic reality in developing countries constituted a valuable asset in international cooperation for development. The dismantling of such a body would have serious consequences for the majority of countries which

benefited from its assistance. The concept of "zero growth" budgets in other United Nations agencies and bodies, which reduced them to mere discussion forums with no direct link to the real situation in countries, should also be deplored.

61. Mr. ZAFERA (Madagascar) said that the human rights set out in the Universal Declaration were universal, indivisible and interdependent and that the implementation of civil and political rights was thus inextricably linked to the implementation of economic, social and cultural rights. While the commitments that had been undertaken internationally evidenced a consensus on the need to place the human being at the centre of sustainable development and the will of the international community to eliminate poverty, an assessment of the progress to date in furthering those aims showed that much remained to be done, because millions of people throughout the world were living in poverty or suffering from malnutrition. That was an unacceptable situation that necessitated a commitment to action both nationally and internationally.

62. His delegation did not share the opinion of the independent expert on extreme poverty whose report (E/CN.4/2001/54) condemned the lack of political will among the majority of poor States parties to the Covenant regarding the fulfilment of their treaty obligations. The will existed, but the scale of the economic problems which they had to face considerably hampered their freedom of action. For its part, Madagascar had made poverty reduction a national priority and had set in place a programme to that end.

63. Extreme poverty was a very serious violation of human rights which should be combated by the international community. Its elimination was essential to ensure the full enjoyment of political, economic, social and cultural rights. His delegation welcomed the achievements of the United Nations in that field, particularly within the framework of the United Nations Decade for the Eradication of Poverty and the plans of action adopted at the various summits.

64. Furthermore, in the light of globalization, which had a political and social dimension as well as an economic one and an impact on the full enjoyment of human rights, increased solidarity and international cooperation were needed to enable the developing countries, especially the least developed ones, to take full advantage of a multilateral trading system.

65. His delegation endorsed the idea of preparing a draft declaration on extreme poverty which would help to identify the constituent elements of poverty, its root causes and its links with human rights, especially the right to development, and also the elements of the strategy to eradicate poverty. Progress made in the areas of civil rights and political democratization would carry no weight unless accompanied by specific measures to ensure the realization of economic, social and cultural rights.

66. Mr. DUONG CHI DUNG (Viet Nam) said that the realization of economic, social and cultural rights should help to promote civil and political rights. The former should therefore be accorded the priority they deserved at the international level. Consequently, his delegation welcomed the Commission's efforts to take practical steps to redress the imbalance in the treatment of the two categories of rights. Due weight should be given to matters of concern to developing countries, such as the right to education, food and health care, and the reduction of foreign debt, especially in the current context of globalization and its negative consequences, as

well as the increased difficulties they were encountering in implementing economic, social and cultural rights. His delegation welcomed the Commission's decision at its fifty-sixth session to appoint a Special Rapporteur on the right to food and a Special Rapporteur on adequate housing, and invited the Commission to encourage OHCHR to strengthen its research capacity with regard to economic, social and cultural rights and to devote the necessary resources to the realization thereof.

67. Economic, social and cultural rights had been enshrined in the Vietnamese Constitution since independence. Over the years, those rights, as well as civil and political rights, had been strengthened both legally and in terms of their content and implementation. Viet Nam was a State party to the International Covenant on Economic, Social and Cultural Rights and was making every effort to implement that instrument. Over the past 15 years, a number of steps had been taken to promote development by combining economic growth with social justice. In placing the emphasis on poverty reduction, his Government had targeted investment in a number of sectors. Thus, investment in the social sector currently accounted for more than 25 per cent of the annual State budget. The rate of poverty had therefore fallen considerably, from 30 per cent in 1992 to 11 per cent in 2000. Reforms in the agricultural sector had enabled Viet Nam to achieve self-sufficiency in food production and had transformed the country into one of the largest rice exporters in the world. The education and health of the population had improved considerably. The targets for 2000 in respect of the eradication of illiteracy and universalization of primary education had been reached, and over 90 per cent of the population had access to health-care services.

68. Nevertheless, at the dawn of the new millennium, poverty remained one of the greatest challenges facing humankind. Poverty eradication and development should be accorded priority attention and required joint international efforts. Additional resources needed to be mobilized, particularly by the industrialized countries, to support poverty eradication efforts in the developing countries, thereby removing obstacles to the full realization of economic, social and cultural rights and the right to development.

69. Ms. RUIZ DE ANGULO (Costa Rica) said that economic, social and cultural rights flowed from human nature and were not simply the aspirations of States. It was therefore imperative to give effect to them.

70. It was essential to place the human being - the bearer of the whole range of indivisible rights - at the centre of policy in the development process. Concerns arising in connection with national economic development often made people forget that growth was a factor in human development and thus a means of ensuring the realization of human rights. Human development should offer concrete opportunities to enjoy various rights such as the right to food, the right to education and the right to fair and decent working conditions, which presupposed a real shift in attitudes. Poverty was a negation of the opportunity to live a decent life. Faced with the problem, some were of the opinion that economic growth was the answer, while others believed that growth benefited only a few. The advantages of economic growth incontestably outweighed its disadvantages. Economic growth was indispensable for tackling poverty and promoting human development. That being so, the poor countries required more buoyant growth to generate the resources they needed to fund their social programmes, and such growth should go hand in hand with political measures to promote human rights.

71. Costa Rica had put in place programmes to tackle poverty and promote human development, for example through investments in the social sphere. Costa Rica was thus a country with a high level of human development, according to the UNDP report for 2000. In that context, the interrelationship between education and food security, to which Costa Rica attached such importance, should be emphasized: after all, it would be pointless to try to educate children who were unable to eat their fill. Government-subsidized school canteens had therefore been set up in all educational establishments. The results obtained by Costa Rica in that sphere flowed from social awareness on the part of decision makers and civil society, an awareness that was anchored in recognition of the dignity of the individual and respect for all human rights.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/2001/12; E/CN.4/2001/CRP.1, 2 and 4)

72. The CHAIRPERSON informed the members of the Commission of the recommendations drawn up by the Bureau that very morning concerning the new deadlines for the submission of draft resolutions under agenda items 6, 7 and 9, and the statements to the Commission of certain special rapporteurs and special representatives. Given the limited time currently available, the Bureau proposed considering the question of arrangements for interactive dialogue with special rapporteurs during the intersessional period, and to communicate any views and recommendations thereon to the Bureau at the fifty-eighth session of the Commission. If there was no objection, he took it that the Commission wished to approve those proposals.

73. It was so decided.

74. The PRESIDENT informed the members of the Commission that intensive consultations within the regional groups had yielded agreement on the following wording for paragraph 16 of document E/CN.4/2001/CRP.1, as proposed by the Chairperson:

> "At each session, the Chairperson may, if he or she thinks it appropriate, appeal to members of the Commission and all participants in the work of the session to conduct themselves in such a way as to enable the deliberations of the Commission to proceed calmly and in a climate of mutual respect."

Paragraph 23 was the subject of ongoing consultations. If there were no objections, he took it that the Commission wished to approve the proposed wording of paragraph 16.

75. It was so decided.

76. The CHAIRPERSON announced that, following the request by the Secretary-General and encouraged by the members of the Commission, the High Commissioner for Human Rights had reconsidered her decision and agreed to accept a one-year extension of her mandate.

The meeting rose at 1 p.m.